[THE VICE-CHAIRMAN SHRIMATI JAYANTHI NATARAJAN *in The Chair]*

THE RAILWAYS (AMENDMENT) BILL, 1993

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): Madam, I beg to move:

> That the Bill to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987, be taken into consideration.

Madam, under the provisions of section 124 of the Railways Act, 1989, only the victims of passengers train accidents are entitled to compensation in case of injuries or their kith in case of death.

No compensation or insurance cover is available to the *bona fide* passengers who become victims of the incidents like terrorist acts, violent attacks, dacoities, bomb-blasts, robbery, rioting, cloak room, booking offices or on platforms or other places within the precincts of railway station.

Keeping in view the pressing demand in both the Houses of Parliament and also the changed social environments of the country, it is proposed to provide insurance cover to the *bona fide* passengers who become victims of the above-mentioned untoward incidents in trains or in the station premises.

In order to provide the insurance cover, it is imperative to amend the Railways Act, 1989 and also to make certain consequential amendments in the Railway Claims Tribunal Act, 1987 through this Bill.

SHRI VITHALBHAI M. PATEL (Gujarat): Madam, I am here to support the Bill with the expectation from the Minister that the victims would get their claim at the earliest. I want to draw his attention to an accident which took place five years ago to the Karnataka Express, and the children of some of the passengers who died in the accident have not yet got the compensation. The procedure adopted in the Railways is such that if a poor man dies and if the members of his family have no money, they cannot engage a lawyer and they cannot rush to Lucknow or Calcutta to present themselves before the Claims Tribunal and they are being harassed. Four or five years back, a mother and two girls aged 6 years and 11 years were travelling in the Karnataka Express. The mother died in the accident and one girl of six years got a fracture. The children are being maintained by the grandmother who is more than 65 years old. She is a poor lady. She has to go to Lucknow to appear before the Tribunal to claim the compensation. She has been asked to bring some certificate. The lawyer demands 20,000 rupees. This lady does not have money even to go to Lucknow. How can she engage a lawyer by paying 20,000 rupees? In such circumstances, the Railways should provide a lawyer to such poor victims to get their compensation. I, along with two MPs, personally met the Railway Minister and drew his attention to this case. He asked us to send the lady to him. The old lady twice met the Minister, but up till now nothing has happened. The widow has not yet got the compensation. Her husband was a government servant. He died 12 years back. She is getting Rs.400/- as pension per month. Out of Rs.400/-, she is maintaining these two children. She had been to Lucknow four, five times. In such cases, Mr. Minister, what are you going to do? How can you help this poor lady? Mr. Minister, are you listening? Madam, the Minister is not listening to what I am saying. I want a directive from you. When will this old lady get the compensation? At least you ask the Railway Minister to help her and see to it that the compensation is paid. She has not been able to get the compensation even after five years. Whatever Bill we pass here, it does not mean that they are going to get the benefit. For example, in the dacoity cases, in the bomb blast cases, they ask for a number of proofs. X or Y or Z has already died and to pay compensation, sometimes one certificate is required and some times another.

Some simple procedure should be devised and the Railways should provide a lawyer to the victims so that they have not to go to a lawyer who is asking for

[Shri Vethalbhai M. Patel]

Rs.20,000/- to plead their case. Mr. Minister, I want an assurance from you.

SHRI GOPALSINH G. SOLANKI (Gujarat): Thank you, Madam. This Bill has been brought forward to amend the Railway Act, 1989 and the Railway Claims Tribunal Act, 1987. Mainly two sections are going to be amended, that is, section 124A of the Railways Act, and Section 13(1)A which is an amendment to the Railway Claims Tribunal Act, 1987.

But at the same time the Bill has also defined the incident when compensation is required to be paid to the passengers. The incident has been defined and also the manner in which compensation is going to be paid has been stated. But the precarious question is whether they have the fundamental principle of law. So far as the question of compensation is concerned, the word 'compensation' comes out of tortious liability or tortious act of a person. If a servant is there, liability of the master is there. If an insurance company is there, several liabilities would be involved. They have fixed the limit so far as death is concerned. The highest amount that can be awarded is to the tune of Rs. 2 lakhs. In the case of permanent disability also, the amount fixed is Rs. 2 lakhs. So far as injury is concerned, the amount fixed is Rs.16,000. But while paying compensation, it is well known that the income of the deceased has to be taken into account. A first class passenger should be an income-tax payer. He must be earning more money. His social status and his financial status must be high. In that case what would he do with only Rs. 2 lakhs? there are certain norms these days. In the case of an accident, if a person meets with death, his income has to be considered. The status of a disabled person has also to be considered. If a person has been disabled and he cannot walk or talk and he has to remain in bed all his life, the amount of compensation that has to be paid is much higher. In the case of a labourer, the amount of compensation that is required to be paid is much less. Some multipliers are there after considering the annual income and the disability and also the age in case of death. I would like to know from the Minister whether they have adopted these norms. The amount of Rs.16,000 which is required to be paid on injury as compensation will not serve the purpose. So far as payment of compensation is concerned, the Government wants to escape from its. The Government does not want to take into account the negligence of the Railways. At the same time it is an admitted position and the Minister has said that the ratio of accidents has reached such a proportion where it is more than one accident a day. He had said this while replying to a question in this House. he also said that 70 per cent of the accidents take place because of some technical fault or because of human error. Then it ultimately comes to the tortuous act of the particular Railway department and that particular department will be held responsible for paying compensation. So, in this particular context, the amount is very small and it needs to be enhanced. Therefore, the Bill itself is not very legal because it does not satisfy the fundamental principle of law. The second thing is about the financial memorandum. It reads as follows

> "The implementation of the proposed Railway Passenger Insurance Scheme will involve an additional annual expenditure of Rs. 6 crores approximately from the Consolidated Fund of India. The provisions of new section 124A do not involve any expenditure of non-recurring nature."

But, at the same time, I would like to know whether the Government intendes levying the passengers the insurance charges alongwith the ticket fares. In Canada, even when you travel in a bus, you have to pay the insurance amount on every ticket. Even for a distance of, say, two kms., the insurance charge is collected on every ticket. What I would like to say is that we cannot separate the Insurance Corporation from the Railways. So far, whereever the Indian Government is involved in running the

administration, it has not taken into account the insurance liability. All the means of transport run by the Union of India are not required to be insured. I would like to know whether the Government would think of levying insurance charges alongwith the ticket fares while introducing this scheme of compensation. The third thing that I would like to make is regarding tribunals. Right from the beginning, that is, since the Constitution was framed, the judiciary has been very much independent. Now, since the judiciary has started commanding the Government, the Government has started setting up various tribunals and these tribunals have curtailed the powers of the civil courts at large. Everything goes in the hands of the tribunals. We have various tribunals like Revenue Tribunal, Railway Tribunal, Service Tribunal and so on. Through article 311, the Government introduced the Railway Claims Tribunal, thus curtailing the powers of the courts and destroying the fundamental rights of the citizens of India. Another thing that is happening is that on the one hand the Government talks of curtailing the unemployment ratio, and on the other hand, the retired personnel are absorbed to serve in these tribunals; accordingly, their age-limit is extended from 58 years to 62 years. Normally, retired Sessions Judges are appointed, on political grounds, to head the tribunals. I would like to know from the Government whether the Railways would depute a working Sessions Judge to this Tribunal.

As far as the question of compensation is concerned, the clause is very much defective. Two lakhs of rupees is nothing for the passengers who travel in the first-class or the air-conditioned coaches. Therefore, the compensation should be fixed according to the social and financial status of the person who dies or who meets with permanent disability or who has been injured on account of accidents. So, I feel that the Bill should be sent to the Select Committee for review.

Thank you, Madam.

SHRI SARADA MOHANTY (Orissa): Madam Vice-Chairman, I support this Bill. Even though this Bill has been brought in late, yet I congratulate both the Railway Ministers on introducing this Bill.

If we look into the Statement of Objects and Reasons, the first para states:

> "At present Section 124 of the Railways Act, 1989, provides for payment of compensation to *bona fide* passengers who get injured or to the dependents of those who die on account of passenger train accidents. However, incidents like terrorists' acts, robberies, dacoities, violent attacks, rioting, shoot-outs, arson, etc. in trains or in waiting halls, cloak rooms, booking offices or on platforms or other places within the precincts of any railway station are not covered by that Section for the purpose of payment of compensation."

Now, with the amendment of the Railways Act, the Railways seeks to include these untoward incidents for compensation. And, in the explanation, the Bill states that "passenger" includes the railway servants on duty only.

But they are not included under the purview of this Bill. Some police people also travel in the trains to help the passengers. They are also not included within the purview of the Bill. If any policeman dies in an accident, his family will not get any compensation under this Act. When a decoity takes place, when some terrorist act takes place and the policemen die in that connection, their families will not get any compensation. In addition to these people, there are so many coolies and hawkers on the platforms. They have not been included in this Bill. They will not get any compensation if something happens. When some accident takes place, not only the passengers die, but these people also may die. I request the Minister to include all these people and bring them within the purview of this Bill. I request the Minister to amend this Bill further in order to include all these people.

[Shri Sarada Mohanty]

Another thing is about compensation to the injured persons. The limit is Rs. 16,000/-. Even if a person's leg is amputated, he will get Rs. 16,000/- only. But he has to spend more than Rs. 16,000/-. I think the minimum amount payable to a person who is injured should be Rs. 25,000/-. The compensation when a person dies is two lakhs only. I pray that when a person dies in a railway accident, his or her son, wife or daughter may be given employment in the Railway Department. This is my request to the Railway Minister.

Thank you, Madam.

SHRI JOHN F. FERNANDES (Goa): Madam, I rise to support this Bill. In fact, this Bill is long overdue because since the last ten years, the terrorist activity has become a way of life in this country. I think this Bill is a bit delayed by the Railway Ministry. I support this Bill because this will cover all the passengers travelling in the train, the *bona fide* passengers travelling in the train, who hold valid tickets. At the same time, this Bill is not foolproof because it does not include the platform workers, the contractors who are licensed by the Railway Ministry. These categories of people have been excluded from the purview of this Bill. I request the hon. Minister to see that these categories of persons who bring due income to the Railways by way of fees are also included in this Bill.

The term "passenger" has been defined. A Railway servant who is on duty is also defined as a "passenger". But when a train goes off the track and kills a civilian he is not a passenger. As per this Bill, he will not get anything. I would request the hon. Minister to give thought to it and see that all these categories of people are brought within the purview of this Bill. Again, the Minister has not done anything about natural calamities. Nowadays, earthquake has become a common feature in this country. If an earthquake takes place and some people die because of that, the Ministry can take shelter saying that it is a natural calamity. All the passengers who are injured or die in such disasters should also be brought within the purview of the present Bill. They should all be included within the definition of "passenger". I hope the Minister will come forward with suitable amendments.

It is said that the Indian Railways is the only Railways which carry the maximum number of travellers without tickets. This is because we don't have a foolproof system. There is a system failure. If you look at the Indian Railways, you will find that the does are open for everyone. A persons who does not hold a valid ticket or a plateform ticket is free to enter the railway platform. The Ticket Inspector cannot go after every ticket-less traveller. So, it will be appropriate for the Ministry of Railways to follow the example of the developed countries where the doors are activated by an electronic machine. The doors open only when the ticket is inserted into a slot meant for the ticket. I hope the Minister will take these foolproof measures to see that the platforms are also computerised. Madam, again the Minister has rightly mentioned that compensation will not be paid for those people who commit suicides intentionally. Madam, our train doors are wide open. These doors are not closed even in suburban railways when the train is in motion. I think, there is a vicarious liability on the Ministry of Railways. So, I feel you should also provide safeguards to see that when the train is in motion, the train doors are automatically closed. It is the rule throughout the world, Madam. You go to small countries in the South East Asia or you go to the Western countries. That is the practice there. I do not know why the Government does not provide these safeguards. Otherwise, this purpose will be defeated. The Minister will not be able to say as to who has committed suicide intentionally or who was pushed out of the running train.

Madam, the Minister has mentioned that the compensation will not be uniform. Often we see in the House the

Minister, after an accident, coming and stating in the House that a child will be given a different compensation and an adult will be given a different compensation. I think, it is not proper. It should not be the job of the Railway Ministry to evaluate the life of a minor or a major. I think, the compensation should be uniform. And not only compensation, I think but there should also be a provision in the law to see that those who were dependent on the victims are rehabilitated in the Railways because, Madam, the Railways is the largest industry which gives jobs to almost one million people in our country. I think, that provision should also be made within the rules.

Madam, one of my colleagues did mention about the judicial system. There is touting. These victims are approached by the so-called Government or Railway pleaders to get compensation faster or in somebody's favour. I hope the Government will have a fool-proof system to see that these people are not unnecessarily victimised.

Madam, it is seen that often we have passengers travelling without tickets. And our ticketing system is faulty. How can a person who is caught without a ticket be paid compensation? I would suggest that every railway ticket should carry the name of the passenger. Before compensation is paid, it should be verified from the computer booking or the passenger manifesto. I hope the hon. Minister will accept some of my suggestions.

With these submissions, Madam, I support the Bill, and I think you.

SHRI SUKOMAL SEN (West Bengal): Madam, the purpose of this Bill is welcome. But the Bill is inadequate and there are some deficiencies and I would like to point out the same to the hon. Minister.

Madam, day by day, the train journey is becoming unsafe because of the increasing number of accidents. Many people are losing their lives or getting maimed and injured due to repeated accidents on the railways.

Madam, another dimention has been added to the safety of the passengers or the people who visit the railways stations, ticket counter, etc., because of these incidents of terrorism. Already a number of incidents have taken place on the railways. This Bill is brought forward to give some releif to those people who get injured or killed. Madam, in the first instance, I oppose the suggestion made by the hon. Member here that compensation should be in comformity with the financial and social status of the person injured or killed. That means, the richer the person, the richer should be the amount of compensation. I think, it should be just the reverse. A poor man needs more financial compensation. I fail to understand how this suggestion has come in the House that if a millionaire has died, the compensation in his case should also be in conformity with his income. It is a very bad suggestion. I don't think the Government should consider this suggestion.

Madam, there was a suggestion about the persons who visit the railway stations. Not only the bonafide passengers or the platform ticket-holders, but many other people like the vendors, railways coolies, etc. also remain on the platform or in the compartments. I agree with the suggestion that their case should not be ignored. And in that case, they should be treated equally for compensation.

Madam, another point is about the people who travel in the trains. Suppose they become victims of these incidents. In regard to the *bona fide* passengers, in the reserved compartments, the reservation list would be available. Railways would have the record with them. They would be able to identify the passengers who had travelled in the reserved compartments. But there are also unreserved compartments. People buy tickets and get into them. In their cases, there would not be any record. One

[Shri Sukomal Sen]

would not know whether all of them got into the unreserved compartments after buying their tickets. If any explosion takes place and if the ticket is destroyed and the body is mutilated, how can you identify whether a person was a *bona fide* passenger or he had travelled without ticket? That is why I say that all the persons who become victims of such incidents should get compensation since it would not be possible to identify whether a person travelled with ticket or without ticket.

You are talking about platforms and the precincts of platforms. But what about reservation counter and enquiry offices located elsewhere? If the terrorists have a design to bomb railway property, they can blow up even reservation counters and enquiry offices. Every day so many people visit the reservation counters and enquiry offices for reservation and other purposes. Many people come there to buy tickets. What would happen if people in the reservation counters get killed or are injured in incidents of bomb explosion? Nothing has been mentioned about this in this Bill. That is why I have given notice of an amendment that reservation counters and enquiry offices should also be included within the purview of this Bill for the purpose of compensation. Otherwise, many people would be deprived of relief if they become victims of such incidents of bomb explosion.

Therefore, I say that this Bill should be made comprehensive so that it covers more ares and more persons, so that it gives relief to all persons who become victims of such incidents. I would request the hon. Minister to accept my amendment. You should see to it that all persons get compensation, irrespective of whether they had ticket or not because, as I said, the ticket may be destroyed, the body may be multilated and, therefore, it would become very difficult to identify.

On the question of compensation in cases where people die or are injured in railway accidents, I do not think the hon. Minister is aware that it takes a long time before the identify of the passenger is established and he is paid compensation. The process takes a very long time. Only the persons who have access to the Ministry are able to get the compensation quickly. The poor persons who do not have such means and who have nobody to advocate their cause are helpless and do not get the compensation. I would request the hon. Minister to see to it that the process is expedited, it is made simpler and people are not harassed. Thank you.

PROF. SAURIN BHATTACHARYA (West Bengal): Thank you, Madam, for giving me this opportunity.

The amendment Bill moved by the Minister of State for Railways is really a welcome one in the sense that taking into account the national scenario in certain respects, the ambit of awarding compensation by the Railways has been extended. Therefore, it does not require much of a discussion. I would only make three or four points, without elucidating them.

Firstly, you should see to it that the process which has been laid down does not become a lengthy one and causes harassment to the next of kin of the dead victims or to the injured persons. It should be as easy as posible.

The previous speaker, Mr. Sukomal Sen, raised the point of ticket. In cases of bomb blast, the ticket would not be found since a persons's limbs and other things would not be found. Even in an accident, it is quite possible. So, in such cases there is every possibility. But I am thoroughly opposed to the suggestion made by Shri Solanki that compensation should be paid according to the status of the victims. It should be, as far as possible, on a uniform basis. There should be a maximum limit, but in case of deaths a minimum limit should also be there. Our friend, Mr. Mohanty, suggested increase of compensation from

Rs. 15000 to Rs. 25000 in the case of injured persons. I support his proposal.

With these words I thank the Railway Minister for bringing forward this amending Bill. I extend my support to this Bill.

4.00 p.m

SHRI VISHVJIT P. SINGH (Maharashtra): I thank you very much for allowing me to speak on this Railways (Amendment) Bill, 1993. There has been a growing need for a very long time for some kind of a legislation. If you remember, Madam, there as a time when the quantum of compensation, which was available to the victims of any air crash or any untoward accident or injury on air, was much higher than the quantum which was available to the victims of any railway accident. We had raised strong objections to this. I hope the scale is now the same. It speaks of Rs. 2 lakhs as the maximum compensation allowable under this and, if I remember correctly, the quantum in the Airlines or any air crash is also Rs. 2 lakhs. If I am wrong, and in case the limit is more, I think we need to raise the limit here also.

The fact is that we have had this ammomalous situation for a long time where people who were not covered under various clauses of the Insurance Act or any other kind of compensation, had to fight out a battle to get any money out of the railways. This situation was further exacerbated by the fact that in our country we have not been practising the law of torts. It is only recently that the law of torts has come its own and some kind of compensation is awarded. Especially, in the consumer courts the situation is fast changing. The fact remains that in the last session when we raised the issue here in this House, the hon. Minister was kind enough to give us an assurance, but he found it very difficult to grant the compensation on the spot. This was in regard to the accident which had taken place at the level crossing and the lives of school children were involved. I do not blame the Railway Minister because the rules were such, the Act was such, but with this Act this situation will change.

Of course, like all other modern societies in this half of the 20th century we are also prone to endemic disorders, terrorists' acts, leaving in their wake deaths destruction, injuries, and most of the people who are affected are the common people of this country.

Madam, you are well aware of the quantum of our population which is travelling on the railways. Especially, take the example of Bombay suburban trains where the number of deaths has been going up year after year.

Madam, I have got one more strong objection regarding this Bill. I would like to voice it. It has been voiced by other hon. Member also. But I would like to add my voice to theirs and point out to the hon. Minister what difficulty there can be. In the Statement of Objects and Reasons it has been said, "However, incidents like terrorist acts, robberies, dacoities, violent attacks, rioting, shoot-outs, arson, etc., in trains or in waiting halls, cloak rooms, booking offices or on platforms or other places within the precincts of any railway station are not covered by that section for the purpose of payment of compensation." I can understand about the passengers waiting in the waiting hall. Only those people who are *bona fide* passengers or those who are holding platform tickets come there. They go to the cloak rooms also. But in the booking offices it is possible at the time of booking of parcels any untoward incident can take place and there could be people waiting at the booking office to book their tickets. In fact, a vast number of people, a majority of the people present, at any given moment of time outside the booking office, stand at the window, within the precincts of the booking office. As per the definition of this Bill, they would not be considered as passengers. They would be prospective passengers or agents of prospective passengers who have gone to collect the tickets. For example, I may

[Shri Vishvjit P. Singh]

send my Secretary or my servant to go to the booking office and collect the ticket. Somebody may send his brother to the booking office. Somebody may send his wife to the booking office because he may be busy in doing some work. If the person who has gone to collect the ticket is injured, then he is not covered under this Bill. He may stand in the long queue at the booking office. As soon as he gets the ticket, he leaves the counter. Unfortunately if an untoward incident takes place, he will not be covered under this Bill. Suppose a person has received a parcel through the Railways, he would go to collect his parcel. Imagine the scene, a large number of people queuing up to collect their goods which have arrived. Under those circumstances, if something happens, they cannot claim any compensation because they are neither holders of a platform ticket nor holders of a ticket to travel. Therefore, they are not considered passengers.

Going further, coollies, labourers who are available at the platform, even they are not covered. They are not Railway employees. The employees of the various stall holders at the railway platform hold a railway identity card but they are not employees. They are also not covered. Who is covered under this Bill? Are the Railway employees who are on the scene by virtue of their being Railway employees or employees of the Government of India or holders of journey tickets to travel or holders of platform tickets covered under this Bill? Nobody has been covered under this Bill. This is a major lacuna which I would like to point out to the hon. Minister. ...(*Interruptions*)... I think the Ministers — the senior and the junior — are now conferring with each other trying to figure out how to get over this problem... from what I can see. I can see my good friend, Mr. Lenka, who is a man of the masses, is conferring with his senior, Mr. Jaffer Sharief. (*Interruptions*). He is much more than that. He is a leader of the masses of Karnataka. Both of them are conferring with each other and I am sure they will come to some conclusion on this. (*Interruptions*).

SHRI VITHALRAO MADHAVRAO JADHAV: Mr. Vishvjit, you are making very useful suggestions. I am requesting the Minister to accept them *in toto*.

SHRI VISHVJIT P. SINGH: He will accept them. (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Can we come back to the subject?

SHRI VISHVJIT P. SINGH: Madam, one must not forget the reality of the Indian situation. With the quantum of services that are required on the platforms, the fact is that the licensed vendors are not enough. There are lots of unlicensed vendors. And, on the crowded railway platforms, it is not possible to check them either. There are also unlicensed porters. It is not possible to check them either in a crowded situation. Once again, there is no provision in this Bill which gives them any compensation. What are they therefor? They are seeking their livelihood there. They are there out of desperation. And, if they, unwittingly, put their lives in danger, it is the responsibility of the Railways to make sure that they get compensation. This Bill does not look after their interests at all. Going further, as was pointed out by the hon. Member who spoke just before me, in the case of any such incident, many times, there is nothing available after the incident is over; no clothes, no personal belongings. You only know that a particular individual died in that incident. Some identification takes place as to the individual and his name.

Madam, not only does the provision

speak of a ticket, but it speaks of a 'valid ticket'. In the Explanation to the proposed section 124 A, it is stated:

"Explanation:— For the purposes of this section, "passenger" includes—

(i) a railway servant on duty; and

(ii) a person who has purchased a valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."

Madam, where are we going to find a valid ticket in that circumstance? Let us not quibble over such things. Let the Act clearly state "all persons who are injured or who lose their lives in all the manners which have been shown, in any untoward incident, would be entitled to compensation". Let us make it a blanket provision for all who are injured and who die. Let us not stay the operation. It should not be that with one hand we give and with the other, we take away. Who are we to distinguish between those who die on the spot? Let us be very clear in our minds. We ought to pay compensation to each and everyone of them. Either we owe to none or we owe to all. Let us be clear about it in our minds.

Then, Madam, the Bill speaks of 'a railway servant on duty'. What about that railway servant who is not on duty but who has gone to visit his friend, who has gone to do his purchases and who then passes by his office? I am sure the hon. Minister, many times, when he is away for the evening, at some official function, on his way back, if he suddenly remembers that he has kept some files pending in his office,.....he goes back to office to dispose of all those files. Their hard-working Mr. Jaffer Sharief, I know has done it many times. In the same circumstances, if there is a railway official who wishes to dispose of his work and goes back to his office on his way home after doing his marketing and then gets caught in an untoward incident, he will not be entitled to compensation because he is not on duty.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude.

SHRI VISHVJIT P. SINGH: I will just complete. I am sorry, I got too involved with the provisions of the Bill. I am about to complete it.

Once again I reiterate, I urge upon the hon. Ministers, the hon. Cabinet Minister and the Minister of State, both of whom are aware of what the public wants, what the public needs, I urge upon the two, to kindly see to the provisions of section 124(a) Explanation (1) and Explanation (2) and remove this on duty business for railway servants and in Explanation (2) say that all people who are injured are entitled to compensation. Thank you.

श्री ईश दत्त यादव (उत्तर प्रदेश): मैडम, रेलवे ऐक्ट 1989 और रेलवे कलेम्स ट्राईब्यूनल ऐक्ट 1987 में संशोधन के लिए जो विधेयक प्रस्तुत किया गया है, मैं इसका पूरा समर्थन करता हूं। मैडम, यह संशोधन जो आज पेश किया गया है, इस तरह का कानून पहले ही इस देश में बन जाना चाहिए था। इस देश में दुर्घटनाएं बहुत हो रही हैं। पहले तो केवल दुर्घटनाएं ही होती थीं लेकिन जब से उग्रवादी हरकतें तेजी से बढ़ी हैं, तब से अपराध भी बढ़ गए हैं और लोगों की हत्याएं होने लगी हैं और जनजीवन सुरक्षित नहीं रह गया है।

सरकार ने प्रयास किया है यह संशोधन लाने का, इसके लिए मैं रेल मंत्री जी को धन्यवाद देना चाहता हूं लेकिन मेरी राय में या तो इन्होंने आधे मन से यह बिल पेश किया है या फिर भविष्य की सारी बातों पर इन्होंने ध्यान नहीं दिया है। यह बहुत कांप्रिहैंसिव बिल होना चाहिए था, बहुत विस्तृत बिल होना चाहिए था। मैंने यह बिल देखा है। इस बिल में एक नया सैक्शन बढ़ाया जा रहा है 124 ए। उसमें एक पैराग्राफ है और उसमें "पैसेंजर" शब्द आया है कि अगर पैसेंजर की मृत्यु हो जाए, उसको चोट लग जाए या किसी तरह से उसको क्षति पहुंचे

[श्री ईश दत्त यादव]

तो उसको कंपनसैशन दिया जाएगा और "पैसेंजर" शब्द की डैफिनेशन दी गई है पेज 2 पर। उसमें कहा गया है कि—

> "A person who has purchased a valid ticket for travelling by a train carrying passengers, on any duty or a valid platform ticket and becomes a victim of an untoward incident."

यह "पैसेंजर" की वयाख्या की गई है इस बिल में लेकिन बहुत बार ऐसा होता है कि ट्रेन चलने वाली है और कोई पैसेंजर जल्दी से चढ़ गया। उसका जाना बहुत जरूरी है और वह टिकट नहीं खरीद सका और दुर्भाग्य से कोई दुर्घटना हो गई तो उसके लिए आप क्या करेंगे? उसके लिए तो आप कोई व्यवस्था नहीं कर रहे हैं। महोदया, मैं माननीय रेल मंत्री जी का ध्यान इस बात की ओर आकर्षित करना चाहता हूं कि इस देश में रेलवे क्रासिंग पर बहुत दुर्घटनाएं होती हैं। एक साल पहले उत्तर प्रदेश के जौनपुर जिले में केशवपुर रेलवे स्टेशन का गेट बन्द न होने के कारण दुर्घटना हुई थी। माननीय रेल मंत्री जी की जानकारी में यह बात अवश्य होगी। उसी समय बस आ गई पैसेंजर्स से भरी हुई और उसका ट्रेन से ऐक्सीडेंट हो गया। 20 आदमी मारे गए। जितने पैसेंजर्स बस में थे सबके सब घायल हो गए। दूसरी घटना चार-पांच महीने पहले लखनऊ में हुई। वहां पर भी गोरखपुर से बस आ रही थी। उस गोरखपुर की बस का रेल से ऐक्सीडेंट हो गया। तीसरी घटना 1993 की है। स्कूल के बच्चे पिकनिक पर गए हुए थे। दो गाड़ियां लेवल क्रॉस कर रही थीं। एक बस निकल गई और दूसरी का ऐक्सीडेंट हो गया। अगर आप कंपेंसेशन देना चाहते हैं तो चाहे अपनी गलती से हो या रेलवे की गलती से हो, हम आपके विचारों का स्वागत करते हैं, यह आपका दृष्टिकोण व्यापक होना चाहिए। इस बात पर भी आपको विचार करना चाहिए कि अगर इस तरह की घटनाएं हो जाती हैं तो इसके लिए आपके इस ऐक्ट में क्या व्यवस्था है? यह जो विधेयक आपने प्रस्तुत किया है, इसमें इस तरह की घटनाओं के पीड़ितों को सहायता देने के लिए क्या व्यवस्था है?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude.

श्री ईश दत्त यादव: महोदया, मैं आपका ज्यादा समय नहीं लेना चाहता हूं। लेकिन इसमें एक पहलू जो कानूनी पहलू है उसके बारे में कहना चाहता हूं और मुझे जानकारी है कि आप हाई कोर्ट की बहुत अच्छी अधिवक्ता हैं, इसलिए उस कानूनी पहलू पर मैं आपका ध्यान आकर्षित करना चाहता था। इसमें एक प्राविज़न है जो कि इस बिल के पेज 3 पर है—

> "The Claims Tribunal shall also exercise, on and from the date of commencement of the provisions of section 124 A of the Railways Act, 1989, all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil court in respect of claims for compensation now payable by the railway administration under section 124 A of the said Act or the rules made thereunder."

इस को पढ़ने से यह लगता है कि यह जो ट्रायब्यूनल है इसका भी जूरिस्डिक्शन रहेगा, सिविल कोर्ट का भी जूरिस्डिक्शन रहेगा। ऐसे में मेरी राय में ऐजिग्युइटी रहेगी। इसलिए मैं चाहता हूं कि रेलवे मंत्री जी को इस बात पर ध्यान देना चाहिए क्योंकि अगर ऐजिग्युइटी रहेगी तो जो विक्टिम है उन को कोई राहत नहीं मिल सकेगी।

मैडम, रेलवे स्टेशनों पर जो वेंडर्स बगैरह है हम किसी को सी-ऑफ करने जाएं और हमने रेलवे प्लेटफार्म का टिकट नहीं लिया और रेलवे ऐक्सीडेंट हो गया तो इसके लिए रेल मंत्री जी को प्रावधान करना चाहिए। ....**(समय की घंटी)**

मैं अपनी बात को समाप्त करते हुए यह कहना चाहता हूं कि जो घटनाएं हुई हैं उनके बारे में जितनी इंक्वायरी रिपोर्टें आई हैं उनमें यह पाया गया है कि 90 प्रतिशत रेल दुर्घटनाएं आदमी की गलती से होती हैं। मैं चाहूंगा कि हमारे रेल मंत्री जी जो कि इन दुर्घटनाओं को रोकने की कोशिश कर रहे हैं, उनको रोकने में आप कामयाब होंगे, लेकिन इस पर और ज्यादा ध्यान दें और कड़ाई करें।

दूसरी चीज यह है कि रेल आज भगवान भरोसे आपकी चलती है। कभी-कभी रेलें लूट ली जाती हैं, आपकी ट्रेन में दो सिपाही डंडे लेकर चलते हैं लेकिन अगर कहीं पर कोई हॉस पाइप काट दे या डिब्बे में लूटने के लिए आ जाए तो ये सिपाही भाग जाते हैं। ये पैसेंजर्स की कोई रक्षा नहीं कर पाते हैं। इसलिए मैं आपके माध्यम से रेल मंत्री जी से कहना चाहता हूं कि आपकी जो लंबी दूरी की ट्रेनें चलती हैं इनमें पुलिस की आप पर्याप्त व्यवस्था कराइए। रेल को जो लोग जंजीर

खींचकर लूट लेते हैं, आप तो रेल मंत्री हैं, आपकी नालेज में इस तरह की बहुत सारी घटनाएं आती होंगी, हमको तो केवल अखबारों से ये खबरें मिलती हैं, हर रोज किसी न किसी ट्रेन के लूटने की या उसमें डकैती की खबर आती है, आपके जो सिपाही चलते हैं वह मौके पर से भाग जाते हैं, तो इसके लिए आप को समुचित व्यवस्था करनी चाहिए।

अपने वायदे के अनुसार मैं एक अंतिम बात रेल मंत्री जी से कहना चाहता हूं। कुछ लोगों ने विचार प्रकट किये हैं मैं उनसे सहमत नहीं हूं। आदमी जो एक्सीडेंट में विक्टिम हो गया है—चाहे मरा हो या घायल हो गया हो, चाहे उसकी हैसियत कुछ भी हो लेकिन सब को समान रूप से कम्पनसेशन मिलना चाहिए। इन शब्दों के साथ मैं इस बिल का जोरदार तरीके से समर्थन करते हुए कहना चाहता हूं कि आप सुरक्षा की पर्याप्त व्यवस्था कराइये ताकि आपको कम से कम कम्पनसेशन देना पड़े। बहुत-बहुत धन्यवाद।

SHRI N. GIRI PRASAD (Andhra Pradesh): Madam, while supporting the Railways (Amendment) Bill, 1993, I would like to make some suggestions. Of course, this Bill is introduced after some discussion and at that time, there was a persistent demand to bring such a Bill before Parliament. But certain provisions mentioned in the Bill are not clear to me. For example, under clause 2, the phrase "untoward incident" is defined, it says:

> "(c) 'untoward incident' means—
>
> (1) (i) the commission of a terrorist act within the meaning of sub-section (1) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987."

Why this TADA has been brought into this Bill is not clear. TADA is meant for a different purpose. There is no need for bringing in that Act here. The people who are involved in these incidents need not be terrorists always. There may be some mischievous elements. The aim of those who cause some damage or accident by removing the fish-plates or by some other methods, need not be to overthrow the Government or create some law and order problem or cause animosity between two sections of people. TADA is meant for a different purpose. I think this provision need not be here. If it is here, I think it would be made applicable only in those cases where accidents happen due to acts which fall within the purview of TADA. Otherwise, there may be some incidents which are not covered by this Act.

Recently, Parliament had discussed a railway accident where a bus of school chilren was hit by a train. I think such accidents are not covered under this Act. There are manned and unmanned railway level crossings. I think all the accidents, whether they are caused because of unmanned gates or because of removel of fish-plates or by other violent activities mentioned in the sub-clause, should be covered under this Act. The people who are involved in these accidents should be paid proper compensation.

I agree with the other Members who said that the definition of the phrase 'railway passenger' should be broadened. I think all the people who go to purchase tickets for travelling must be covered.

Another point I would like to make is about the compensation payable under the Railway Accidents (Compensation) Rules, 1990. I think the amount prescribed is not fair in these days. Under those rules, the maximum limit in case of death is fixed at Rs. 2 lakhs. I think it should be made the minimum amount to be payable when a passenger dies. If you cannot give more, this Rs. 2 lakhs should be made the minimum payable in case of death. The maximum limit prescribed for those injured should also be made the minimum amount payable to an injured person.

Even in that case, I agree with another suggestion made by some friends here for raising the minimum amount from Rs. 16,000 to Rs. 25,000 or so.

Madam, the other point is that these cases are delayed for a long time. The compensation cases are not decided for a long time and they are being delayed even for years together. I think, there

[Shri N. Giri Prasad]

should be some time-limit for setting these matters once a claim is made. I think, those claims should be decided in a matter of six months. Otherwise, there is no purpose in giving this compensation if you go on prolonging the litigation to decide whether this particular accident is caused due to this or that and to get to know further details. If it is delayed, it amounts to denying justice to those unfortunate victims.

Madam, my last point it that this Amending Act must be applied retrospectively because in the last five or six years, many accidents of this type took place and the Railway failed to provide any compensation. I think, it is not their fault because the Parliament has been discussing this, the Members have been making suggestions, and the people are also making suggestions to bring a legislation. And it is because of the delay by the Government that this Bill has now come. These compensation rules were framed in 1987. So, at least, these provisions also must be retrospectively implemented at least from that date so that those unfortunate victims, maybe a few hundreds, will also be benefited.

With these words, I thank the Minister for bringing forward this Bill. I support the Bill and I hope the Minister will agree to at least some of these important suggestions.

श्री मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) : मैडम वाइस चेयरमैन, रेलवे अमेंडमेंट बिल, 1993 की मैं भरपूर ताईद करता हूं और इसके लिए मैं वजीर रेलवे को मुबारकबाद पेश करता हूं।

इसमें कोई शक नहीं है कि यह बिल लाने में बड़ी देरी की गयी है। मगर फिर भी देर आयद दुरुस्त आयद की बात है क्योंकि वक्त की अहमतरीन जरूरत को महसूस करते हुए यह बिल लाया गया है और मुसलसल पार्लियामैंट के दोनों ऐवानों में इसका मतालबा होता रहा है कि इस किस्म के बिल को लाया जाये। तो उन्होंने हमारे मतालबे की तजवीज की है। उसके लिए वे यकीनन काबिले मुबारकबाद हैं।

जहां तक पैसेंजर्स की डिफिनीशन में कहा गया है — मैं एक वजाहत आनरेबुल मिनिस्टर से यह जानना चाहूंगा कि पैसेंजर का जो डिफिनीशन है उसमें कहा गया है :

"a person who has purchased a valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."

तो क्या पास होल्डर्स इसमें कवर होते हैं? या नहीं होते हैं। मैं यह आनरेबुल मिनिस्टर से जानना चाहता हूं। अगर पास होल्डर्स कवर होते हैं तो बहुत ठीक है, अगर पास होल्डर्स कवर नहीं होते हैं तो मैं समझता हूं कि पास होल्डर्स भी वहां पर एड किये जायें।

अब रही कम्पेनसेशन की बात। इससे पहले भी कहा गया है कि इन्जर्ड के लिए यानी जख्मी के लिए जो कम्पेनसेशन 16 हजार रखा गया है, मैं आनरेबुल मिनिस्टर से यह दरख्वास्त करूंगा कि वह बजाये 16 हजार के आप कम से कम 25 हजार रखिये, किसी भी जख्म की सूरत में। जहां तक डेथ का सवाल है उसमें मैक्सीमम दो लाख रखा गया है। मैं आनरेबुल मिनिस्टर से दरख्वास्त करूंगा कि उस दो लाख को आप कम से कम मिनिमम बताइये।

तीसरी बात....(समय की घंटी) यह है जैसा कि इसे पहले भी कहा गया है कि जब भी आप पैसेंजर को प्लेटफार्म का टिकट इश्यू करें तो बेहतर यह है कि उस पैसेंजर का नाम उस टिकट पर रहे, या जिसको आप प्लेटफार्म टिकट दे रहे हैं, उस प्लेटफार्म टिकट पर भी उसका नाम रहे। इससे आइडेंटीफिकेशन में सहूलियत रहेगी। नाम नहीं होने की सूरत में यहां से वहां तक कन्फ्यूजन ही कन्फ्यूजन रहेगा, फिर कम्पेनसेशन वगैरह देने में काफी डिले होगा लिहाजा प्लेटफार्म टिकट पर पैसेंजर का नाम दर्ज करवाइये।

फिर एक और जो बात है कि गुजिश्ता सैशन में जो महाराष्ट्र में पुणे के करीब पिकनिक पर जो तलबा जा रहे थे लैवल क्रासिंग के मौके पै जो एक्सीडेंट की बात की गई थी आनरेबल रेलवे मिनिस्टर ने हमारे मुतालबे को कबूल करते हुए एज ए स्पेशल केस उन्हें कंपेंसेशन देने की बात कही गयी थी। मगर इस बिल में मैं यह देख रहा हूं कि लैवल क्रासिंग वगैरह का इस किस्म का कोई जो एक्सीडेंट हो तो इस बिल में कवर नहीं किया गया है। मैं आपसे भी यह दरख्वास्त करूंगा कि आपकी तवसुत से आपके जो अनमैंड लैवल क्रासिंग हैं वहां पर भी कोई जो एक्सीडेंट हो रहा है तो बराय करम उसको भी इसमें कवर कीजिए और उनको भी उस एक्सीडेंट की सूरत में कंपेंसेशन का प्रोविजन इस बिल में कराइये।

इन चंद अलफाज़ के साथ, मुझे जो टाइम दिया गया है मैं शुक्रिया अदा करता हूं।

ہے میں آنریبل منسٹر سے یہ درخواست کروں گا کہ وہ بجائے ۱۶ ہزار کے آپ کم سے کم ۲۵ ہزار روپئے کسی بھی زخمی کی صورت میں۔ جہاں تک ڈیتھ کا سوال ہے اسمیں میکسیمم ۲ لاکھ رکھا گیا ہے میں آنریبل منسٹر سے درخواست کروں گا کہ آپ اس ۲ لاکھ کو آپ کم سے کم یعنی مینیمم بتائیے۔

تیسری بات ... "سیمے کی گھنٹی"۔ یہ ہے کہ جیسا کہ اس سے پہلے بھی کہا گیا ہے کہ جب بھی آپ پیسنجر کو پلیٹ فارم ٹکٹ اشو کریں تو بہتر یہ ہے کہ اس پیسنجر کا نام اس ٹکٹ پر رہے یا جسکو آپ پلیٹ فارم ٹکٹ دے رہے ہیں۔ اس پلیٹ فارم ٹکٹ پر بھی اسکا نام رہے۔ اس سے آئی ڈینٹیفکیشن میں سہولیت رہے گی نام نہیں ہونے کی صورت میں یہاں سے وہاں تک کنفیوژن ہی کنفیوژن رہیگا۔ پھر کمپنسیشن وغیرہ دینے میں کافی ڈیلے ہوگا۔ لہٰذا پلیٹ فارم ٹکٹ پر پیسنجر کا نام درج کرا دیئے پھر ایک اور جو بات ہے کہ گزشتہ سیشن میں جو مہاراشٹر میں پنے کے قریب پٹڑی پر جو طلبہ جا رہے تھے لیول کراسنگ کو عبور کر رہے تھے ایکسیڈنٹ کی بات کی گئی تھی آنریبل ریلوے منسٹر نے ہمارے مطالبے کو قبول کرتے ہوئے ایز اے اسپیشل کیس انھیں کمپنسیشن دیئے

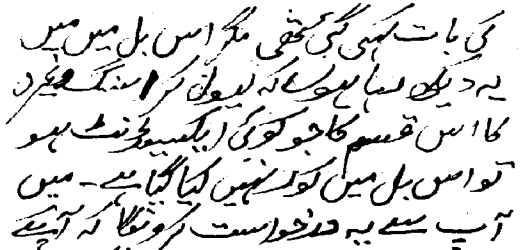
†[شری خلیل الرحمٰن "آندھرا پردیش"]: میڈم وائس چیئرمین ریلوے امنڈمنٹ بل ۱۹۹۳ کی میں بھرپور تائید کرتا ہوں اور اسکے لئے میں وزیر ریلوے کو مبارکباد پیش کرتا ہوں۔ اسمیں کوئی شک نہیں ہے کہ یہ بل لانے میں جس دیری گئی ہے مگر پھر بھی دیر آید درست آید کی بات ہے کیونکہ وقت کی اہم ترین ضرورت کو محسوس کرتے ہوئے یہ بل لایا گیا ہے اور مسلسل پارلیمنٹ کے دونوں ایوانوں میں اسکا مطالبہ ہوتا رہا ہے کہ اس قسم کے بل کو لایا جائے تو انھوں نے ہمارے مطالبہ کی تجویز کی ہے۔ اسکے لئے وہ یقیناً قابل مبارکباد ہیں۔

جہاں تک پیسنجرس کی کمپنسیشن میں کہا گیا ہے۔ میں ایک وضاحت آنریبل منسٹر سے یہ جاننا چاہونگا کہ پیسنجرس کا جو کمپنسیشن ہے اسمیں کہا گیا ہے۔

تو کیا پاس ہولڈرس اسمیں کور ہوتے ہیں یا نہیں ہوتے ہیں۔ میں یہ آنریبل منسٹر سے جاننا چاہتا ہوں۔ اگر پاس ہولڈرس کور ہوتے ہیں تو بہت ٹھیک ہے۔ اگر پاس ہولڈرس کور نہیں ہوتے ہیں تو میں سمجھتا ہوں کہ پاس ہولڈرس بھی وہاں پر کور کئے جائیں۔

اب رہی کمپنسیشن کی بات۔ اس سے پہلے بھی کہا گیا ہے کہ انجری کے لئے یعنی زخمی کیلئے جو کمپنسیشن ۱۶ ہزار لکھا گیا

*Translation in Arabic Script.



श्री राम गोपाल यादव (उत्तर प्रदेश) : महोदया, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूं और सिर्फ दो सुझाव देना चाहूंगा। माननीय मंत्री जी ने एक तो इस देश में जो, वैसे तो संविधान के प्रिएंबल में सोशलिस्ट शब्द लगाकर समानता और समाजवाद व्यवस्था की बात की गयी थी और राइट टू इक्वैलिटी की बात करके व्यक्ति-व्यक्ति के बीच में समानता की बात कही गई है, लेकिन अगर एक पैसेंजर हवाई दुर्घटना में मारा जाता है नो उसके लिए मुआवजा अलग है, ट्रेन में एक्सीडेंट में मारा जाता है तो उसका मुआवज़ा अलग है और राज्यों में अगर बसों में दुर्घटना हो जाती है मद्रास में अगर मरता है तो अलग मिलेगा, लखनऊ में अगर मरता है तो अलग मिलेगा। कितनी जबर्दस्त गैर बराबरी है।

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : कहां मरने पर ज्यादा मिलता है?

श्री राम गोपाल यादव (उत्तर प्रदेश) : महोदया, अगर ये सत्ता में होते तो ये भी कर देते कि मुसलमान मरेगा तो इतना मिलेगा और हिन्दू मरेगा तो इतना मिलेगा। इनकी मानसिकता का यह है। आप बीच में मत बोलिए।

तो मैं यह कहना चाहता हूं कि अलग-अलग व्यवस्था है। इस संबंध में मेरा यह सुझाव है कि एक जैसा जितना विमान दुर्घटना में यात्री की मृत्यु पर कंपेंसेशन होता है, रेलवे के एक्सीडेंट में या किसी भी तरह से रेलवे में यात्रा करते समय चाहे वह मारा जाता है या एक्सीडेंट में मारा जाता है, उसी तरह का कंपेंसेशन की व्यवस्था होनी चाहिए।

यह जो रेलवे सिस्टम है हमारा उसमें 80 फीसदी यात्रियों के लिए एकोमोडेशन केवल 20 परसेंट है, 20 फीसदी यात्रियों के लिए एकोमोडेशन 80 फीसदी है। नतीजा यह होता है कि हजारों आदमी प्रतिदिन रेलवे के डिब्बों में खिड़कियों से लटकते हुए चलते हैं और तमाम लोग जो दुर्घटनाग्रस्त होते हैं, मरते हैं, वे लटकने वाले पैसेंजर्स होते हैं, जो खिड़कियों से लटकते हुए चलते हैं।

मेरा माननीय मंत्री जी से अनुरोध है कि वे इस तरह की व्यवस्था करें कि जो सामान्य पैसेंजर्स चलते हैं उन कंपार्टमेंट्स की भी व्यस्था बढ़े क्योंकि जब से यह थ्री टीयर सिस्टम में बिल्कुल सामान्य पैसेंजर को दिन में भी इतना बंद कर दिया गया है तब से यह स्थिति और खराब हो गई है। तो मेरे केवल ये दो सुझाव हैं, क्योंकि मैं घंटी बजने तक इंतज़ार कभी नहीं करता और समय का पाबंद रहता हूं। इसलिए मैं इसी के साथ और इस अनुरोध के साथ कि मेरे सुझाव पर भी गौर किया जाए, इस विधेयक का समर्थन करता हूं। थैंक यू वैरी मच।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Narayanasamy. He is not here. The hon. Minister, please.

SHRI K.C. LENKA: Madam, Railways are committed to provide safe and secure travel to *bona fide* passengers. Keeping this in view, we have brought forward this Bill and we are going to introduce the insurance scheme. Actually, this scheme deals with only *bona fide* passengers. We are going to deal with only those passengers who are having *bona fide* tickets. We are going to cover the insurance for those passengers only. If we extend its scope, there will be no end. It will be like a contractual agreement with the pasengers that we have to provide them safe and secure travel by trains. Most of the hon. Members have asked for enlarging its scope. If we do that, then there will be no end. So, in the beginning we are limiting it to only those passengers who will be having *bona fide* tickets and also to the persons who will be entering the platforms with *bona fide*

platform tickets. We are limiting the scope only to these two categories *(Interruptions)*. For those who are serving the passengers in the trains also we are going to provide.

Shri Vithalbhai has raised the point regarding payment of compensation through filing a case in the courts. We have set up 19 Claim Tribunals in the country. The next of kin of the deceased has to file the case in these Tribunals for payment of compensation.

SHRI SANGH PRIYA GAUTAM: Mr. Mohanty has raised a very valid question regarding police personnel.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): He is dealing with the points one by one.

SHRI K.C. LENKA: So far as the compensation is concerned, we have fixed a maximum limit of Rs. 2 lakhs for deaths and for injuries we have fixed a minimum limit of Rs. 16000/. The minimum limit of Rs. 16000 can vary and it can be raised to Rs. 1.80 lakhs depending upon the nature of the injury.

The other point raised is about the criteria...

SHRI VITHALBHAI M. PATEL: I have mentioned that the Karnataka Express train victim has not yet got the compensation.

SHRI K.C. LENKA: I am coming to that point.

Another point raised is whether we are going to add anything to the ticket value for introducing insurance scheme. Madam, we have calculated that annually 11 million passengers are travelling in trains. So, we have charged only one paise per 80 passengers. That means, per passenger it comes to .01275 per cent, not even one paisa per 80 passengers. So, it comes to about Rs. 5.30 crores.

श्री एस०एस० अहलुवालिया (बिहार): आप 11 मिलियन की बात करते हैं, सिर्फ बॉम्बे में ई०एम०यू० कम्यूटर्स 25 लाख है डेली।

SHRI K.C. LENKA: Yes, it is 11 million per day. Annually it comes to 11 million multiplied by 365 days. So, it comes to about 5.30 crores. So, Rs. 5,30,00,000 will be our premium annually.

So far as payment of compensation is concerned, I agree that there are some delays in the court. But we would see that they are expedited...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Patel, you have already put your question. It has been answered. We cannot have interruptions.

SHRI K.C. LENKA: The claimant has to go to court. unless the claimant goes to court, Railways and the Government *suo motu* is not in a position to go to court for his claim. The claimant has to go to court.

It has been pointed out that cases are decided by the courts hapazardly. If a claimant is not satisfied with the award of the tribunal, there is scope for him to go to the High Court in appeal. So there is no ban imposed on him in going to the High Court.

Mr. Sarada Mohanty wanted to know whether hawkers, coolies, trolley men and vendors working at the railway station would be covered under this Bill if they are involved in an untoward incident. I have already stated that we have limited this Bill to the three categories, at the moment. If we open this up to everyone, then there will be no end to it. We are committed to only *bona fide* passengers. They would be covered under this insurance scheme. We are not committed to the vendors or other people working at the railway stations.

SHRI MOH. KHALEELUR RAHMAN: What about pass holders?

SHRI K.C. LENKA: Pass-holders are *bona fide* passengers. We would consider this. This is a good suggestion.

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): Pass holders are also *bona fide* passengers.

SHRI K.C. LENKA: Yes, pass holders are also *bona fide* passengers. If it has not been included, it would be done.

SHRI VISHVJIT P. SINGH: Are the porters covered or not?

SHRI K.C. LENKA: No.

SHRI VISHVJIT P. SINGH: Not covered?

SHRI K.C. LENKA: At the moment, they are not covered.

SHRI VISHVJIT P. SINGH: Are the people who wait at the booking counters to purchase tickets or to book parcels covered?

SHRI K.C. LENKA: I tell you, that will open the Pandora's box. The persons who are purchasing tickets for athers will not be covered. They are not going to travel. Travel agencies would send so many people to the booking counter to purchase tickets. They stand in the queue and purchase tickets. How can we cover them under this Bill?..*(Interruptions)*...

SHRI VISHVJIT P. SINGH: Madam, you will bear with me. This is cruel. It is inhuman that we are going to ignore them. The Minister is talking about opening up of the Pandora's box. If an untoward incident happens at the booking counter and if he is injured, he is not covered under this Bill.

THE VICE CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): He has already answered it.

SHRI VISHVJIT P. SINGH: Madam, I register my protest. I am definitely not satisfied by this answer. I am definitely upset. I hope that the hon. Railway Minister would do something about this. The poor porters have not been covered. The persons who are standing in the queue at the booking counters have not been covered. What is this?

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): Madam, if the purse of the Railways becomes as big as Vishvjit P. Singh's heart, they would also be covered. But today it is not possible.

SHRI K.C. LENKA: A point had been raised about the persons who would be injured in the incidents and who would be having no tickets. Most of the hon. Members have mentioned that if a blast occurs or something happens, the passengers would lose everything, including their tickets. In that case, the passengers who have got reservations, their names would be found in the reservation list. ..*(Interruptions)*..

SHRI VISHVJIT P. SINGH: There will be no record in the case of persons who purchase platform tickets. You had mentioned that also.

SHRI VITHALBHAI M. PATEL: And, unreserved compartments.

SHRI C.K. JAFFER SHARIEF: Persons who purchase platform tickets and persons who enter the train at the last minute, pay the difference to the ticket examiner and obtain receipts, have to be necessarily covered. All that we have done today is to cover the *bona fide* passengers. The Railways' primary job is to carry the passengers. So, passengers and *bona fide* workers who are in the service of passengers are the two categories who are mainly covered.

SHRI K.C. LENKA: As regards the karnataka Express case, I want to mention that the claimants have not submitted the heirship certificate till now. There are three claimants to the compensation, the mother of the deceased and two husbands of the deceased. Till now, they have not submitted the heirship certificate.

Madam, I have covered almost all the points.

SHRI SANGH PRIYA GAUTAM: What about the police personnel?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): He has answered it already.

SHRI K.C. LENKA: I think 11 Members have participated in the debate. *(Interruptions)*. I thank all of them. We will look into all their relevant suggestions while implementing these provisions. *(Interruptions)*. Thank you.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Now, the question is:

> "That the Bill further to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987, be taken into consideration."

The montion was adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Clause 3. There is an amendment by Shri Sukomal Sen. Shri Sukomal Sen is not here. He is not here to move the amendment.

Clause 3 was added to the Bill.

Clauses 4 to 13 were added to the Bill.

Clause 1 (Short title and commencement)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We now take up clause 1. There is an amendment of Shri K.C. Lenka.

SHRI K.C. LENKA: Madam, I move:

(No. 2) "That at page 1, line 5, *for* the figure "1993" the figure "1994" be *substituted.*"

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI K.C. LENKA: Madam, I move:

(No. 1) "That at page 1, line 1 *for* the word "Forty-fourth" the word "Forty-fifth" be *substituted.*"

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): The question is:

"That the Enacting Formula, as amended, stand part of the Bill"

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI K.C. LENKA: Madam, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We will take up the Motion of Thanks on the President's Address. *(Interruptions)* We have time till 5 P.M. We will just make a beginning. *(Interruptions)* He can make a beginning.

Shri S. S. Ahluwalia.

MOTION OF THANKS ON THE PRESIDENT'S ADDRESS

श्री एस० एस० अहलुवालिया (बिहार): मैं प्रस्ताव करता हूं कि:

राष्ट्रपति के प्रति निम्नलिखित रूप में कृतज्ञता ज्ञापित की जाए:—

"राष्ट्रपति ने 21 फरवरी, 1994 को संसद की दोनों सभाओं की सम्मिलित बैठक में कृपया जो अभिभाषण दिया है, उसके लिए राज्य सभा के सदस्य, जो सभा के वर्तमान सत्र में उपस्थित हैं, राष्ट्रपति के प्रति हार्दिक कृतज्ञता ज्ञापित करते हैं।"

महोदया, मैं माननीय महामहिम राष्ट्रपति जी के अभिभाषण के प्रति कृतज्ञता प्रस्ताव की शुरूआत उनके ही अभिभाषण जो कि उन्होंने पिछले वर्ष दिया था, उसेसे